

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case Number 09-20387-BC
Honorable Thomas L. Ludington

v.

ANTONIO HERNANDEZ JR.,

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION, ACCEPTING
DEFENDANT'S PLEA OF GUILTY, AND TAKING THE RULE 11 PLEA
AGREEMENT UNDER ADVISEMENT**

A plea hearing was conducted on November 3, 2009, by United States Magistrate Judge Charles E. Binder pursuant to the defendant's consent. The magistrate judge issued his report on November 3, 2009, recommending that this Court accept the defendant's plea of guilty to the sole count of the indictment. As of today's date, no party has filed any objections to the magistrate judge's report and recommendation. The failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [Dkt # 15] is **ADOPTED**.

It is further **ORDERED** that the defendant's plea of guilty as to the sole count of the indictment is **ACCEPTED**, and the Rule 11 Plea Agreement [Dkt. # 14] is taken **UNDER ADVISEMENT**.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: November 20, 2009

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on November 20, 2009.

s/Tracy A. Jacobs
TRACY A. JACOBS